

EXHIBIT I.3

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION
4 IN RE NATIONAL PRESCRIPTION | MDL No. 2804
5 OPIATE LITIGATION |
6 This Document Relates to: | Case No. 17-MD-2804
7 The County of Summit, Ohio, |
8 et al., v. |
9 Purdue Pharma L.P., et al. | Hon. Dan A. Polster
10 Case No. 17-op-45004 |
11 The County of Cuyahoga v. |
12 Purdue Pharma L.P., et al. |
13 Case No. 18-op-45090 |
14 City of Cleveland, Ohio v. |
15 Purdue Pharma L.P., et al. |
16 Case No. 18-op-45132 |

17 - - -

18 Monday, December 3, 2018

19 - - -

20 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
21 CONFIDENTIALITY REVIEW

22 - - -

23 Videotaped deposition of ROBERT BROWN, held
24 at Foley & Lardner LLP, One Biscayne Tower, 2
25 Biscayne Boulevard, Suite 1900, Miami, Florida,
 commencing at 9:26 a.m., on the above date,
 before Susan D. Wasilewski, Registered
 Professional Reporter, Certified Realtime
 Reporter and Certified Realtime Captioner.

 - - -

 GOLKOW LITIGATION SERVICES
 877.370.3377 ph | 917.591.5672 fax
 deps@golkow.com

1 THE VIDEOGRAPHER: On the record, 5:12 p.m.

2 (Anda-Brown Exhibit 14 was marked for

3 identification.)

4 BY MR. NOVAK:

5 Q. We've had marked for identification purposes
6 Anda-Brown Deposition Exhibit Number 14, which is
7 comprised of a one-page e-mail bearing the Bates
8 Number Anda_Opioids_MDL 543135, and there is a
9 spreadsheet, an Excel spreadsheet, attached to the
10 e-mail that bears the Anda_Opioids_MDL Number
11 543136, which we are conveying electronically and
12 we'll also have up on the screen as we proceed with
13 the questioning.

14 Mr. Brown, Deposition Exhibit Anda-Brown 14
15 is an e-mail that you authored to various officials
16 at both the Department of Justice and also Anda
17 employees?

18 MR. MATTHEWS: Sorry. Do you have a copy
19 for me?

20 MR. NOVAK: Oh.

21 MS. LUND: I think you handed me two.

22 MR. MATTHEWS: Oh, my codefendants stole my
23 copy. I apologize.

24 MS. LUND: In my defense, there's two
25 instead of three.

1 THE WITNESS: Yes, I see it.

2 BY MR. NOVAK:

3 Q. Just so we're clear, this is an e-mail that
4 you authored to the various recipients in the --
5 that are identified in the "to" line?

6 A. That is correct.

7 Q. Okay. And this reflects a list of customers
8 that have been listed as not eligible or shut off?

9 A. Or reinstated.

10 Q. Okay. Can you explain to me how you
11 delineate between a customer whose control
12 privileges have been denied, between that category
13 and one who is no longer eligible?

14 A. Yes. A customer that is denied controls is
15 one who has applied for controls with Anda, first
16 time and they haven't receive controls before,
17 they've asked to purchase controls, and we've said,
18 based on the information that they have -- that they
19 have provided we are not -- we are not comfortable
20 with supplying controls.

21 A customer who has been cut off is one that
22 has been purchasing controls and for reasons that
23 we -- several reasons, some of which we actually
24 discussed earlier in connection with Exhibit 12, we
25 have decided that we are no longer comfortable

1 providing controls.

2 Q. Okay. Why don't we switch screens to the
3 spreadsheet that was attached to your e-mail.

4 A. And, again, I'll elaborate a little bit for
5 context. This was something that was -- again, it's
6 pursuant to the September 10th, 2014, e-mail that
7 Michael Cochrane sent, and this was submitted every
8 time there was an additional customer added or, in
9 some cases, a -- a suspicious order.

10 Q. Okay.

11 A. It's a rolling -- it's -- you know, it's
12 really a rolling list.

13 Q. So the first tab in the spreadsheet that was
14 attached and is part of Anda-Brown Deposition
15 Exhibit 14 is the customer cutoff tab?

16 A. Uh-huh.

17 Q. And these list an array of different Anda
18 customers, many of whom have something denoted in
19 the comments field?

20 A. Uh-huh.

21 Q. Now, when something is denoted in the -- in
22 the comments field as it is in this customer cutoff
23 tab, where would that information be extracted in
24 Anda's systems?

25 A. It would be in the customer notes, in the

1 TNTPS, because the same information is there. Let
2 me again, just for clarification, it's not that it
3 was -- these are special customers who the notes are
4 there for. This list had been provided on an
5 ongoing basis starting in, like, probably 2011, but
6 based upon our -- we just sent it as is.

7 During the meeting that we had in September
8 of 2014 that Michael Cochrane references in
9 Exhibit 12, Valerie Mitchell said, look, this list
10 doesn't really help us because it doesn't tell us
11 why.

12 Now, that was the first time we ever got
13 that feedback, so it isn't as if we ever asked,
14 we're sending this all the time for the three --
15 previous three years, and we thought we were helping
16 or being proactive with the DEA, and they never
17 said, well, there's a problem or there isn't a
18 problem. They just, okay.

19 But when she said, you know, it doesn't
20 really help us because we need more explanation, so
21 we agreed starting -- you know, this was
22 September 10, so you'll notice 9/12/14 there's an
23 explanation --

24 Q. Okay.

25 A. -- and it goes from there. So I just wanted

1 to be clear on that.

2 Q. Let's -- let's look at that line item for
3 9/12/14 --

4 A. Uh-huh.

5 Q. -- which is, I think, line 540 of the
6 customer cutoff section of the spreadsheet. That's
7 for an account whose name is The Health and Beauty,
8 d/b/a Lakeland account, in Ronkonkoma, New York.

9 A. Uh-huh.

10 Q. Okay. And then looking at the Anda comments
11 that are in Column I, it states: Eight of the top
12 10 dispensed pills/tablets are controls, including
13 five strengths of oxycodone, and the customer did
14 not provide an explanation of the reasons for these
15 products being the most highly dispensed.

16 That would have been taken from the customer
17 notes?

18 A. The -- well, let me go back. This and --
19 this sheet and the customer notes are filled in
20 simultaneously.

21 Q. Okay.

22 A. So -- and I was the one who did it, so I can
23 explain to you what I did.

24 Q. Okay.

25 A. Let's say -- and this one, again, without

1 seeing the customer file, I don't know exactly
2 what -- what happened. Okay? But somehow or -- we
3 got updated dispense data, I don't know why, don't
4 if it was -- it was just part of the yearly deal or
5 whether it was, you know, they were asking for
6 increase. I don't know what the reason was. We
7 went back and we compared the previous dispense
8 data, and we said, oh, my gosh, this is not good,
9 we're not comfortable.

10 So I would fill this sheet out, and then I
11 would turn around while -- again, almost
12 simultaneously, push the TPS button and put exactly
13 the same verbiage in. And I would do -- it would
14 just say customer discontinued from controls or
15 customer cut off, reported to DEA. It would have
16 the same notes.

17 And it would verify that this was on this
18 list -- this e-mail was submitted to the DEA.

19 Q. Okay. The e-mail that you wrote to the DEA,
20 that's the first page of Anda-Brown 14, states: The
21 most recent determination was not based on the
22 suspicious order but rather information provided by
23 the customer.

24 A. Uh-huh.

25 Q. How do you know from looking at the